

**Marshall  
& Melhorn**

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Four SeaGate, Eighth Floor, Toledo, Ohio 43604

## **URGENT Fax Transmission**

**TO:** U.S. Patent and Trademark Office

**ATTN:** Examiner S. Kumar

**FAX #:** 571-273-0640

**FROM:** Mark A. Hixon

**DATE:** April 7, 2004

**OPERATOR:** Martha Aherne

We are transmitting a total of \_\_\_\_ pages (including this cover sheet). If transmission is not complete, please call (419) 249-7164.

**COMMENTS:**

Pursuant to our telephone conference of yesterday, attached is the amendment; a copy of Marshall & Melhorn's check in the amount of \$950.00, return receipt postcard stamped by the USPTO, request for extension of time, transmittal form and fee transmittal originally sent to the USPTO on February 27, 2004.

Should you have any further questions, please feel free to contact me.

P1595-15407001

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APR-07-04 09:18AM FROM-MARSHALL &amp; MELHORN

+419-249-7151

T-654 P.02/11 F-212

COMMISSIONER OF . ATENT &amp; TRADEMAF 02/27/2004

\$950.00

Inv.Date 02-26-04 Inv.No. P159500-15407001

Invoice Description

Amount  
\$950.00

66143

Total:

\$950.00

THIS CHECK HAS MICROPRINTING ON THE SIGNATURE LINE AND A WATERMARK ON THE BACK.

MARSHALL & MELHORN, LLC  
ATTORNEYS AT LAW  
Four, Seagate  
Toledo, Ohio 43604  
(419) 249-7100

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OF NORTH-WESTERN OHIO N.A.

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DATE 02/27/2004 AMOUNT \$950.00

COMMISSIONER OF PATENT & TRADEMARKS

RAY  
TO THE  
ORDER  
OF

066143 00412000500 444 52588

RIAL NO. 09/09/5B FILED 7/20/2001 CASE NO. 1-15407

TEST NO. ISSUED

PLICANT(S): *Leplan, et al*

PERS FILED HEREWITH: ☒ FEES \$ 950.00

☐ TM-APPLN/EXHIBITS

☐ PATENT APPLN

☐ PROV ☐ UTILITY

☐ CONT ☐ CIP ☐ CPA

☐ PCT ☐ DIV

☐ 35 USC 371 (DO/EO/US)

☐ AMENDMENT

☐ PRELIMINARY

☐ LICENSE-FOREIGN FILING

☐ EXPRESS MAIL CERTIFICATE

☐ REQUEST FOR CORRECTED FILING RECEIPT

☐ OTHER *fee trans, transn form, please refer*

☐ ASSIGNMENT/COVER SHEET

☐ LETTER TO DRAFTSMAN

☐ PRIORITY DOCUMENT(S)

☒ EXTENSION OF TIME

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CASE NO. 1-15407

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ASSIGNMENT/COVER SHEET

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THE PATENT OFFICE MAIL ROOM DATE STAMP HEREON  
ACKNOWLEDGES RECEIPT OF THE ABOVE PAPERS

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COVER PAPERS

PTO/SB/17 (10-03)

Approved for use through 07/31/2008 OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status See 37 CFR 1.27
TOTAL AMOUNT OF PAYMENT (\$)**950.00**

## Complete if Known

Application Number	09/909,573
Filing Date	July 20, 2001
First Named Inventor	Kaplan, et al.
Examiner Name	S. Kumar
Art Unit	1621
Attorney Docket No	1-15407

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:
Deposit Account Number  
13-1816Deposit Account Name  
Marshall & Melhorn, LLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) of ~~each~~ ~~due with this submission~~
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater. For Reissues see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,620	1812 2,620	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1261 110	2261 65	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	950.00
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Penalty to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of information disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1808 770	2808 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**950.00**

## SUBMITTED BY

Name (Print/Type)	Mark A. Hixog, Esq.	Registration No. (Attorney/Agent)	44,766	Telephone	419-249-7100
Signature		Date	2/27/2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (02-04)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/809/573
	Filing Date	July 20, 2001
	First Named Inventor	Kaplan, et al.
	An Unit	1621
	Examiner Name	S. Kumar
	Attorney Docket Number	1-15407
Total Number of Pages in This Submission	10	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Marshall & Melhorn, LLC Attn: Mark A. Hixon, Esq.
Signature	
Date	February 27, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Mark A. Hixon, Esq.
Signature	Date 2/27/2004

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1-15407

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1450, Alexandria, VA 22313-1450,

on February 27, 2004

Mark A. Hixon

(Name)

(Signature)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Kaplan et al

Serial No. 09/909,573

Filed: July 20, 2001

FOR: BETA-HYDROXYALKYLAMIDES  
PROCESS FOR THEIR PRODUCTION  
AND THEIR USE

Examiner: S. Kumar

Group Art Unit: 1621

Attorney Docket 1-15407

February 27, 2004

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Honorable Sir:

In response to the Office Action dated November 27, 2003, please amend the above-  
identified patent application as follows: